

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL INDICTMENT
v.	:	NO. 2:12-CR-022-RWS-JCF
	:	
THOMAS COLEY, and PHILLIP	:	
ALEXANDER,	:	

NON-FINAL REPORT AND RECOMMENDATION

This case is before the Court on the Renewed Motions to Dismiss Indictment filed by Defendants Phillip Alexander (Doc. 222) and Thomas Coley (Doc. 224). Defendants renew their previously filed motions to dismiss the indictment based on the alleged over-involvement by the Government in the events giving rise to the charges against Defendants. (*See* Docs. 70, 73). By Report and Recommendation signed December 3, 2012 (Doc. 133), incorporated herein by reference, the undersigned recommended that Defendants' motions to dismiss be denied. As explained in that Report and Recommendation, Defendants have not shown that the governmental involvement here was so outrageous that dismissal would be justified. Because Defendants have not provided any additional ground for dismissal beyond those advanced in their previous motions¹, the undersigned again

¹ Defendant Coley simply incorporates his previous motion into his renewed motion without making any additional argument (Doc. 224), and Defendant

RECOMMENDS that Defendants' motions to dismiss (Docs. 222, 224) be **DENIED** without a hearing.

IT IS SO REPORTED AND RECOMMENDED this 11th day of April, 2013.

/s/ J. CLAY FULLER
J. CLAY FULLER
United States Magistrate Judge

Alexander's arguments made in support of his renewed motion are the same as those made in his previous motion (*compare* Doc. 222 with Doc. 73).